

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

ARAB-AMERICAN CIVIL RIGHTS LEAGUE, *on behalf of itself and its members; KAMAL BEYDOUN, an individual; RANDA BEYDOUN, an individual; SALLY BEYDOUN, an individual; FARAH BEYDOUN, an individual; FATIMA BEYDOUN, an individual;*

Case no.: 24-cv-12613

Judge: Hon.

Plaintiffs

vs.

United States Secretary of State, ANTHONY BLINKEN, in his official capacity only; United States Secretary of Defense LLOYD AUSTIN, in his official capacity only;

Defendants.

**EMERGENCY CLASS ACTION COMPLAINT FOR
MANDAMUS WITH REQUEST FOR INJUNCTIVE RELIEF**

NOW COME, Plaintiffs, by and through their respective counsel, and hereby submit the following Emergency Class Action Complaint, stating the following:

JURISDICTION AND VENUE

1. This case arises under the United States Constitution, 42 U.S.C. 1983, and the laws of the United States and presents a federal question within this Court's jurisdiction pursuant to the United States Constitution 28 U.S.C. 1331. This Court may also exercise jurisdiction under the Administrative Procedures Act, 5 U.S.C.

702-704. Finally, this Court may also exercise jurisdiction under 28 U.S.C 1361 for mandamus jurisdiction over this action.

2. Venue is proper pursuant to 28 U.S.C. 1391 in the United States District Court for the Eastern District of Michigan where some individual Plaintiffs reside, where Plaintiff Arab-American Civil Rights League (hereinafter “ACRL”) is located (Dearborn, Michigan), and regularly conducts business.

PLAINTIFFS

3. Plaintiff’s Kamal Beydoun, Randa Beydoun, Sally Beydoun, Farah Beydoun, and Fatima Beydoun (the “Beydoun Plaintiffs”) are United States Citizens (with the exception of Randa Beydoun, who is a green card holder). They are ethnically Lebanese and residents of Dearborn, Michigan. They are currently trapped abroad in Beirut, Lebanon in an active war zone where they are under imminent threat of death or serious bodily injury. According to White House National Security Advisor Jake Sullivan, in press briefing held at the White House on October 2, 2024, The Beydoun Plaintiffs are among approximately 86,000 U.S. Citizens trapped in Lebanon and also in grave danger.

4. Plaintiff ACRL is a national civil rights organization organized pursuant to Section 501(c)3 of the Internal Revenue Code. It is based in Michigan. Among its members are Lebanese-Americans (U.S. citizens) trapped in Lebanon.

5. ACRL and its members are harmed by the Defendant’s inaction described below. ACRL members have experienced and will continue to suffer discrimination,

differential and disparate treatment as alleged below. Unless the relief requested is granted, ACRL and its members will continue to be adversely affected and irreparably harmed by the continued discriminatory and treatment that Defendants have authorized/failed to authorize as alleged below.

DEFENDANTS

6. Defendant Anthony Blinken (“Blinken”) is the United States Secretary of State and, as the head of the United States Department of State (“State Department”), is the senior diplomatic officer of the United States. **Blinken is responsible for providing consular and other services to United States Citizens traveling abroad as well as decisions of the United States government for the evacuation of U.S. citizens abroad during times of crisis.** In this case, there has been no Noncombatant Evacuation Operations (“NEO”). This type of operation is normally implemented during a crisis or war to evacuate U.S. Citizens and their families from abroad and to secure their return to the United States.

7. Defendant Lloyd Austin (“Austin”) is the United States Secretary of Defense and, next to the President of the United States responsible for civilian control of the United States Military and the U.S. Department of Defense (“Defense Department”). In his capacity he directs all branches of the military and is responsible for military strategy of the U.S. government. **Austin is responsible for executing any NEO to evacuate U.S. Citizens and their families from areas under siege or war around the world in conjunction with co-Defendant Blinken.**

EXHAUSTION OF REMEDIES

8. Plaintiffs have exhausted their remedies, as there are no remedies outside of judicial action where a federal constitutional violation is alleged. It is well-settled that exhaustion of remedies is not required if it would be futile. *See, e.g. American-Arab Anti-Discrimination Committee v. Reno* 10 F.3d 1045, 1058 (9th Cir. 1995); *see also Ruiz v. Mukasey*, 269 Fed. Appx. 616, 618 (9th Cir 2007). Furthermore, exhaustion of remedies is not required if there would be irreparable harm. *Richardson v. Reno*, F. Supp., 1998 WL 74229 * 3 (S.D. Fla. February 13, 1998); *Peralta Veras v. Ashcroft* (E.D.N.Y. 2002). No action or any other request has been made in Federal or any other Court to review the Complaint herein.

PRELIMINARY STATEMENT AND FACTUAL BACKGROUND

9. Plaintiffs incorporate and reallege the proceeding paragraphs as if fully set forth herein.

10. This lawsuit challenges the constitutionality of the U.S. Government's actions/failure to act to protect United States citizens trapped in Lebanon, an active war zone. Their lives are in grave danger from ongoing military action and violence in which they are non-combatants. This lawsuit is by no means an attempt to interfere with the armed conflict between Israel and Hezbollah. This action seeks only to compel a governmental agency(ies) to initiate evacuation efforts and secure the safety and well-being of its citizens.

11. U.S. Citizens, including those who are plaintiffs, are being subjected to trauma, both physical and mental, and it is known from the humanitarian crisis in Gaza and the recent bloodshed there that the plaintiffs trapped in Lebanon will imminently face devastation and, for many, death. Hundreds have already been killed in the bombardment of Lebanon.

<https://www.theguardian.com/world/2024/sep/23/israel-lebanon-strikes-evacuation-hezbollah>. Israel has his thousands of targets in Lebanon.
<https://abcnews.go.com/International/israel-poised-expand-lebanon-strike-campaign-hezbollah/story?id=113920475>.

12. The State Department has advised that it will not engage in evacuation efforts, procedures, and or processes to safely evacuate United States citizens in Lebanon. These statements—especially given the current bombardment of the area—constitute final agency action.

13. On September 28, 2023, the State Department declared that Lebanon was unsafe and issued a travel advisory for U.S. citizens travelling there.
<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/lebanon-travel-advisory.html#ExternalPopup>. Unfortunately, there were already U.S. citizens in Lebanon who had no prior notice of or the ability to flee the violence.

14. The United States' efforts to get Lebanese-American's to safety have been pitiful. Despite there being an estimated 86,000 Lebanese-American's currently

trapped in Lebanon, State Department spokesperson Matthew Miller stated on October 2, 2024:

In terms of the U.S. helping people leave the country, for – so for the past several days we have been working – and past really going back to September 28th, we have been working to make seats available or to find seats available on existing commercial flights. We have been able to identify over 800 seats over that time. A number of them have been used by American citizens. In all – not in all cases have they been filled. And then today we were able to organize a flight from Beirut to Istanbul to allow other American citizens to leave.

<https://www.state.gov/briefings/department-press-briefing-october-2-2024/>.

15. Because the State Department declared that it would not be undergoing evacuation efforts and advised United States citizens trapped in Lebanon to travel commercially, the price of commercial airline tickets are now approximately \$8,000 per individual, and expected to rise. For the Beydoun Plaintiffs to flee to safety, that cost would be approximately \$40,000, something they and many United States citizens trapped in Lebanon cannot afford.

16. That, however, assumes one is able to procure a ticket. Yet even with the additional surge in airline flights out of Lebanon, flights are virtually unavailable to most.

17. There are far too many press reports to cite regarding the civilian deaths caused in nearby Gaza from the Israeli Defense Force's bombardment and the inability of people to flee. Yet, considering the protracted duration of the

bombardment and great number of civilian casualties, it is all-but certain that anyone stranded in the Lebanese warzone risks death.

18. The Israel-Palestine armed conflict which began in October of 2023 continues to this day.

19. The Israel-Palestine conflict is now spilling over to other parts of the entire region, with Iran having attacked Israel with the single largest ballistic missile attack in the country's history, and Israel promising to retaliate and escalate the conflict.

<https://www.wsj.com/livecoverage/israel-iran-hezbollah-conflict>.

20. Despite the fact that Israel has publicly warned civilians to flee southern Lebanon (<https://apnews.com/live/israel-lebanon-ground-operation-updates>), they have already attacked as far north as Beirut, Lebanon's capital city.
<https://www.cnn.com/world/live-news/israel-iran-attack-war-lebanon-10-03-24-intl-hnk/index.html>.

21. Reports of the numbers killed in the Israeli bombardment of Beirut are already coming in. <https://www.bbc.com/news/articles/c8rd0gnv68jo>.

22. The aerial bombardment is likely to be followed by a ground invasion by Israeli Defense Forces.

23. Upon information and belief U.S. Citizens, Individual Plaintiffs, and members of the Plaintiff organizations will be subject to assault, attack, bombardment, dismemberment, and death if they are not evacuated from Lebanon.

24. According to press reports, Israeli Defense forces plan to intensify attacks on the densely populated Lebanon. <https://www.deccanherald.com/world/foreigners-flee-lebanon-as-israeli-offensive-intensifies-3218732>. Water, electricity, food and medical supplies will soon be unobtainable. Hospitals will close, damaged and unable to intake more patients as they become overburdened with the injured.

25. At least 10 other countries are engaged in active efforts to evacuate their citizens from the war zone, including:

Australia

Britain

Bulgaria

Canada

Cyprus

France

Germany

Japan

Philippines

Portugal

<https://www.france24.com/en/live-news/20241001-evacuations-from-lebanon-what-we-know>.

26. The U.S. Government, while denying its citizens trapped in Lebanon *any* evacuation services, has offered humanitarian flights to U.S. Citizens out of

Lebanon, as well as small loans for those who are unable to travel commercially (as opposed to assisting in evacuating these needy, elderly, or disabled U.S. citizens).

<https://www.state.gov/briefings/department-press-briefing-october-2-2024/>.

27. A partial list of instances since 1975 of when the U.S. has mobilized the military and disaster relief agencies to evacuate U.S. Citizens from active war zones or from similar dangerous situations during times of war/armed hostilities:

- a. Vietnam, 1975
- b. Lebanon, 1976**
- c. Iran, 1981
- d. Bosnia, 1992
- e. Kosovo, 1999
- f. Iraq War (Various, including during initial hostilities)
- g. Libya, 2011
- h. Egypt, 2011
- i. Syria, 2014
- j. Afghanistan, 2021

28. Between 2001 and 2006, the United States has conducted over 80 evacuations of U.S. citizens abroad. *See United States Government Accountability Office, GAO-07-893 U.S. Evacuations from Lebanon, at 3 (July 7, 2007).*

29. The U.S. has not evacuated a single citizen from Lebanon since the commencement of hostilities in spite of the active and ongoing inquiries of Plaintiff ACRL about the well-being of their members.

30. The Beydoun Plaintiffs are now trapped with no possibility of escape from the violence and carnage that is, and will continue, to ensue in all of Lebanon.

31. The United States has unfettered influence over the state of Israel (which is commonly referred to as ‘the United States greatest ally’) and, therefore, over the Israeli Defense Forces, as it is the United States which provides Israel with the funding and weapons necessary for its existence.

32. The violence in Lebanon is being perpetrated by Israel, and it would be easy for the United States to demand that Israel allow US Citizens in Lebanon to escape or reside in certain safe zones in Lebanon which could be designated by Israel.

33. The United States has not done, and does not plan to do, any of the above.

CLASS ACTION ALLEGATIONS

34. Plaintiffs incorporate and reallege the proceeding paragraphs as if fully set forth herein.

35. Plaintiff has established a hotline for class members to call and provide verifiable information to confirm their class member status. The class members are numerous and their identities are also ascertainable from public records.

36. The questions of law and fact presented are common to each class member: *I.e.*, are they a United States citizen or green card holder currently trapped in Lebanon, who are having difficulty leaving the warzone.

37. Like the commonality of the interests of the proposed class, each class members claims at issue are typical of each other. The focus will be on the United States duty owed under the Constitution to United States citizens and green card holders trapped in Lebanon, and not on other aspects of the individual circumstance of class members.

38. Undersigned counsel possesses the resources and abilities to adequately prosecute this class action.

CLAIMS FOR RELIEF
COUNT I: DENIAL OF EQUAL PROTECTION
(5th Amendment and 42 U.S.C 1983)

39. Plaintiffs incorporate and reallege the proceeding paragraphs as if fully set forth herein.

40. The Beydoun Plaintiffs are members of the protected class of Lebanese-Americans.

41. The members of the ACRL who find themselves in the Lebanese war zone are also members of the same protected class.

42. They are similarly situated to other U.S. Citizens that have received evacuation services from the very same war zone in which they now find themselves trapped and with no means of escape.

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43. The United States has evacuated many United States citizen from the same region and other parts of the world over the years.

44. Plaintiffs are similarly situated to U.S. Citizens who, on numerous previous occasions listed above, were evacuated from other war zones and places of other similar human catastrophes.

45. Yet, Defendants have arbitrarily decided that the evacuation of Lebanese-Americans is “unnecessary” for reasons that could only be improper.

[https://www.haaretz.com/us-news/2024-09-29/ty-article/.premium/u-s-says-lebanon-evacuation-unnecessary-after-warning-citizens-to-leave/00000192-3f0adf25-a3be-ff8b54b50000.](https://www.haaretz.com/us-news/2024-09-29/ty-article/.premium/u-s-says-lebanon-evacuation-unnecessary-after-warning-citizens-to-leave/00000192-3f0adf25-a3be-ff8b54b50000)

46. The disparate treatment set forth above has impermissibly infringed upon the exercise of their fundamental rights to life, liberty and the pursuit of happiness protected by the United States Constitution.

47. The disparate treatment set forth above was not necessary to serve the only compelling governmental interest at stake here which is to protect the safety and well-being of its citizens.

48. Defendants Blinken and Austin are state actors acting under color of law in the performance of their official duties.

**COUNT II: DEFENSE AND STATE DEPARTMENTS' VIOLATION OF
THE ADMINISTRATIVE PROCEDURES ACT, 5 U.S.C. 706(2)(A) ("APA")
ARBITRARY AND CAPRICIOUS ACTION**

49. Plaintiffs incorporate and reallege the proceeding paragraphs as if fully set forth herein.

50. Pursuant to the APA, Plaintiffs are entitled to judicial review from this Court of the State Department's refusal to coordinate evacuation efforts, processes, and/or procedures of U.S. citizens from Lebanon. Plaintiffs have suffered a legal wrong because of agency action, or have been adversely affected or aggrieved by agency inaction.

51. Pursuant to the APA 5 U.S.C. 704, Plaintiffs are entitled to judicial review by this Court the Department of State's final agency action to not evacuate United States citizens from Lebanon because Plaintiffs have no other adequate remedy at law.

52. Defendants are in violation of the APA, 5 U.S.C. 706 because Defendants unlawfully withheld and/or unreasonably delayed agency action to which Plaintiffs are entitled, the Defendants have taken action to which the Plaintiffs are entitled, the Defendants have taken action that is arbitrary and capricious and an abuse of discretion and not in accordance with law, and the Defendants have failed to provide through direct military assistance or contracting with commercial entities the necessary equipment, ships, airplanes, and other items that are available to Defendants to insure the security, safety, and well-being of U.S. citizens.

53. As a result of Defendants' violations of the APA, the Plaintiffs have been deprived of a swift, accommodating, and reasonable evacuation from Lebanon.

Plaintiffs continue to suffer mental and physical trauma and hardship that is a result of waiting for the Defendants to protect them and evacuate them safely.

**COUNT III
(INJUNCTIVE RELIEF)**

54. Plaintiffs incorporate and reallege the proceeding paragraphs as if fully set forth herein.

55. The State Department's highest priority is to protect U.S. citizens abroad in foreign nations.

56. The State Department failed to protect U.S. citizen Plaintiffs when it failed and or refused to include them in its existing plans to evacuate other classes from the same war region.

57. The State Department failed to provide adequate notice to travelling U.S. citizens so that they could have left in advance of the escalation of hostilities.

58. The State Department and Defense Department provided NO substantive means for Plaintiff U.S. citizens to leave the war zone or even communicate about their well-being.

59. Thousands of similarly-situated Americans remain in the direct line of fire of a heavily armed force with the stated purpose of attacking combatants whether or not they are located in proximity to civilian American citizens.

60. Defendants' inaction in failing to evacuate U.S. Citizens is the very definition of arbitrary and capricious, especially in light of their previous efforts under similar circumstances to keep travelling U.S. Citizens out of harm's way.

61. Absent an order from this Court compelling the Defendants to act and perform their sworn duties, their lives will remain in great peril.

62. That unless immediately restrained by this Court from their refusal to act, the Defendants' failure to protect U.S. citizens where it has the ability to do so, Plaintiffs will suffer great and irreparable harm, including the loss of life. Plaintiff has no adequate remedy at law and seek this Court's protection.

IRREPARABLE HARM

63. The Defendants' conduct is causing irreparable harm and injury to vulnerable U.S. citizens who will soon be under constant bombardment by modern weapons of war that do not discriminate between civilians and combatants. There is no realistic means for United States citizens to safely leave Lebanon, without the Defendants' support and assistance. Considering the United States' close alliance with Israel, and the fact that Israel utilizes weaponry provided by the United States, Defendant's are all the more culpable for their failure to evacuate Lebanese-Americans.

WHEREFORE, Plaintiffs request that injunctive relief be granted and judgment entered in favor of Plaintiffs and against Defendants, requiring that:

- A. The Defendants use all resources at their disposal that are necessary and available, including but not limited to deployment of military ships, vessels

and airplanes and/or contracting with private commercial ship liners and airline carriers to evacuate U.S. citizens from Lebanon and return them safely to the United States or another nation outside of the warzone in the most expeditious manner available; and

B. Declare the Defendants' inaction in failing to evacuate U.S. citizens from Lebanon as arbitrary and capricious and in violation of the statutory and constitutional provisions set forth above.

Respectfully submitted,

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Dated: October 3, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on this date I filed the foregoing documents and any attachments with the Clerk of Courts using the electronic filing system, which will serve notice to all parties of record.

Respectfully submitted,

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